



# MONTANA ASSOCIATION OF LAND TRUSTS

SENATE NATURAL RESOURCES  
COMMITTEE  
2-22-13  
BILL NO. SB 339

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406-375-0956

Kaniksu  
Land Trust  
Sand Point, ID  
208-263-9471

The  
Conservation  
Fund,  
Missoula  
541-8555

Five Valleys  
Land Trust,  
Missoula  
549-0755

Flathead  
Land Trust,  
Kalispell  
752-8293

Gallatin Valley  
Land Trust,  
Bozeman  
587-8404

Montana Land  
Reliance,  
Helena  
443-7027

The Nature  
Conservancy,  
Helena  
443-0303

Prickly Pear  
Land Trust,  
Helena  
442-0490

Rocky Mountain  
Elk Foundation,  
Missoula  
523-4533

The Trust  
for Public Land,  
Bozeman  
522-7450

Vital Ground  
Foundation,  
Missoula  
549-8650

February 22, 2013

Senate Natural Resources Committee  
SB 339

Glenn Marx, Montana Association of Land Trusts

- Mr. Chairman, members of the committee, my name is Glenn Marx and I am with the Montana Association of Land Trusts. Our group is comprised of 13 nonprofit members whose focus is working with private landowners on voluntary negotiated agreements to conserve private lands for agricultural use, wildlife habitat protection, open land conservation and more. We stand opposed to Senate Bill 339.

In addition to working with landowners, our members also serve their communities by helping to develop public trail systems and community parks. These projects are strongly supported and significantly contribute to an improved quality of life in these communities.

Nonprofit land trusts also work with the Legislature and public agencies to conserve larger blocks of land, such as the acquisition of Plum Creek land in the Potomac area that was transferred to DNRC as a working forest to assist with timber production and continued recreational access.

- We all know the purpose of SB 339. This bill exists to stop the American Prairie Reserve from buying land in places like Phillips County. It is patently unconstitutional to single out one landowner and deny them the opportunity to own land, so this bill applies in all counties against all nonprofits, including churches. The bill still faces some serious constitutional and legal challenges.
- Within that context, let's talk about property rights. The sole outcome of this bill is to deny one class of landowners the basic property right of buying and owning land... so this bill also then denies you your right to sell your land to whomever you want to sell it to. Every current and future Montana landowner should be deeply concerned about the dangerous precedent SB 339 intends to set for all private property rights.

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The language in SB 339 creates county land ownership stipulations and a jury-rigged process in which a nonprofit organization would be prevented from owning property unless and until there was either a vote of the public or a vote of not one but two local governmental entities to approve that purchase.

- So instead of a voluntary transaction between two private parties to buy and sell private land, this bill inserts a mass of governmental authority through county land ownership percentages, public hearings, public votes, public committees, public officials, public debate and public mandates... All this on a voluntary private transaction involving private parties on private land.

So the obvious question is why? Why would a private property right advocate like the sponsor introduce a bill whose intent is to deprive people of their private property rights?

Is it because of property taxes? Well, no. During the past legislative interim, the Revenue and Transportation Committee studied nonprofit ownership of ranch and forestland and local property tax collections.

The final committee report said: **These 12 organizations all paid property taxes on their agricultural and forest property at the same rates as other taxpayers in the taxing jurisdiction with comparable land classes. None of the agricultural or forest property owned by these 12 organizations was exempt from the property tax. This means that there has been no shifting of taxes from nonprofits concerned with preservation of environmental resources to other taxpayers.**

- So let's be honest here... when you get right down to it, the basis of this bill is not who owns the land. The reality is this bill inserts a fundamental change in government authority over private land management. In attempting to "solve" what they perceive as a problem, SB 339 creates a much more serious threat – one that could impact any landowner, in any county, in Montana. Because at its core, this bill doesn't really care who owns the land. What this bill actually does is dictate how private land is going to be managed.
- Please think about that... SB 339 intends to create vast new governmental authority in which a prospective nonprofit landowner – including churches – can be in compliance with every local, county, state and federal law or regulation, and for any reason – or for no reason – this prospective landowner can be denied the opportunity to buy and own land... simply because of what they do, how they do it, and how they want to legally manage their property.

Please vote no on SB 339.